

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 5, 2006 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 06039

PROPOSAL: To obtain a special permit for a limited landfill to import fill materials that include construction debris.

LOCATION: S. W. 20th & W. "O" Street

LAND AREA: 7.42 Acres, more or less.

EXISTING ZONING: H-3 Highway Commercial District and I-1 Industrial

CONCLUSION: Generally in conformance with the Comprehensive Plan and Zoning Ordinance

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 71 and 72 I.T. located in 28-10-6, Lancaster County, Nebraska.

EXISTING LAND USE:

An automobile dealership occupies the northern portion of the property along O Street. The southern portion of the property, the site of the proposed limited landfill is currently vacant and undeveloped. The site plan shows that the dealership building and parking lot will remain.

SURROUNDING LAND USE AND ZONING:

North:	H-3	Automobile sales/businesses
South:	I-1	Undeveloped, rail yard
East:	H-3 & I-1	Undeveloped
West:	H-3 & I-1	Automobile sales/businesses and commercial

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as Commercial/Industrial in the Comprehensive Plan.

HISTORY: This area was converted to H-3 Commercial and I-1 Industrial in 1979.

UTILITIES: Available, in the city.

TOPOGRAPHY: Dropping off to the south east with about a 24' existing elevation change across the parcel.

TRAFFIC ANALYSIS: West "O" Street is 4 lane U.S. Highway #6.

PUBLIC SERVICE: This area is served by the Lincoln Public School District, the Lincoln Fire District, Lincoln Police and is in the LES service area.

REGIONAL ISSUES: Entrance to the city. Development along "O" Street, O Street redevelopment.

ENVIRONMENTAL CONCERNS: There are no Historic or Ecological resources identified on or near this site. There is wetland and flood plain on the site. No fill is proposed in these areas.

AESTHETIC CONSIDERATIONS: This site is near an entry-way corridor.

ALTERNATIVE USES: Other uses permitted in the Commercial and Industrial zones. Fill using earth. Uses limited by the existing site terrain.

ANALYSIS:

1. This is a request for a special permit to locate a limited landfill at SW 20th Street and W O Street.
2. According to the site plan, the landfill site will be located on the southern portion of the property south of the existing automobile dealership building and parking lot also on the property.
3. A portion of the property is within the 100-year floodplain, however the boundary of the landfill site itself is shown outside of the floodplain.
4. The applicant states that an average of 25 truckloads will arrive to the site daily from Monday through Saturday, and that the amount will never exceed 60 truckloads daily.
5. This property lies within the West O Street Redevelopment Area.
6. Section 27.63.560 - Permitted Special Use: Limited Landfills states the following;

"A limited landfill, in which only building rubbish and demolition debris are disposed of, may be allowed by special permit in the I-I, H-3, and AG districts.

Construction and operation of the limited landfill shall comply with Chapter 8.32 of the Lincoln Municipal Code and any other federal, state, and local regulations and design standards which apply.

The application for said permit shall contain the following:

(a) A site plan showing the location of the fill area, circulation, equipment storage, and an operation plan showing existing and proposed final elevations, topography, drainage, vegetation and cover depth.

(b) Type and estimated volume of the building rubbish and demolition debris to be placed in the landfill.

(c) A statement of whether it will be a private limited landfill used exclusively by the applicant or a public limited landfill, operated by the applicant and receiving materials from others; including the proposed days and hours of the week the landfill will be in operation; and the estimated traffic volume to the site.

(d) A certified copy of the names and addresses of the last known owners of the property and occupied buildings within 300 feet of the location for which a permit is requested."

7. The site plan and supplementary information provided with the application includes all the information required under 27.63.560 as follows;

a) That fill material will be only concrete, concrete rubbish and similar type of material. The site plan shows access point and grading contours.

b) The site will have an estimated 14,000 cubic yards of concrete rubble.

c) The site will be private for the applicant and will not receive materials from others.

d) The landfill will be operated from 8:00 a.m. to 6:00 p.m. Monday through Saturday. Estimated truck traffic is twenty five (25) trucks per day with a maximum of 60 per day..

e) The final cover will be soil, re-seeded with grass.

- d) A certified list of owners was provided.
- 8. An NPDES permit is required if more than one acre is disturbed.
- 9. The Lincoln Lancaster County Health Department notes air pollution regulations will apply. Note, a separate permit is required for a rubble dump from the City County Health Department.
- 10. Building and Safety report an active fill violation on this site that is being investigated by the Corps of Engineers.
- 11. Limited time for these operations has normally been proposed, varying from one year to three years.

CONDITIONS OF APPROVAL:

Site Specific:

- 1. This approval permits a limited land fill operation for a period of 3 years from the date of the approval of the permit. The operation shall be limited to the operating hours of 8:00 AM to 6:00 PM, Monday through Saturday.

General:

- 2. Before beginning operations:
 - 2.1 The permittee shall complete the following instructions and submit the documents and/or plans to the Planning Department office for review and approval.
 - 2.1.1 Receive any NPDES or 404 permits required and resolve the current issue of illegal fill.
 - 2.1.2 Amend note #2 to state the correct zoning.
 - 2.2 The limited landfill shall meet all local, state and federal regulations.
 - 2.3 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before operation of this limited landfill all development and construction is to comply with the approved plans.
 - 3.2 Before beginning this limited landfill operation the City/County Health Department is to approve the water, waste water systems and air quality and noise permits.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Planner Joe Rexwinkel/Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

DATE: June 21, 2006

APPLICANT: LeGrande Excavating
7601 S. 1st Street
Lincoln, NE 68512
(402) 423-4076

OWNER: West O Development, LLC
1901 West O Street
Lincoln, NE 68528
(402) 475-1300

CONTACT: Mike Eckert
Civil Design Group
3901 Normal Blvd, Suite 203
Lincoln, NE 68506
(402) 434-8494



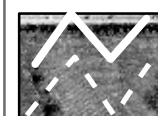
2005 aerial

Special Permit #06039 SW 20th St. & W O St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 28 T10N R06E



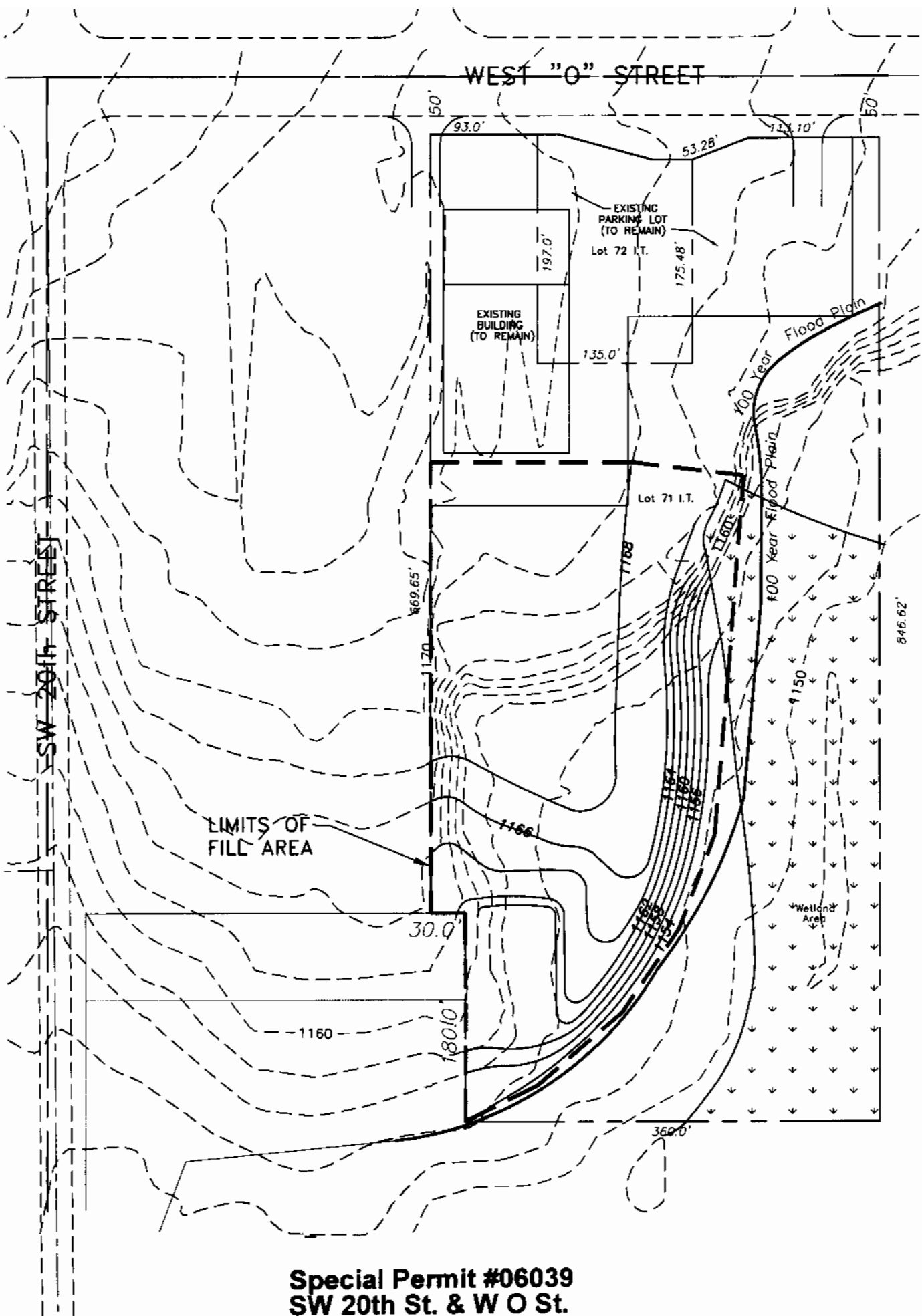
Zoning Jurisdiction Lines

City Limit Jurisdiction

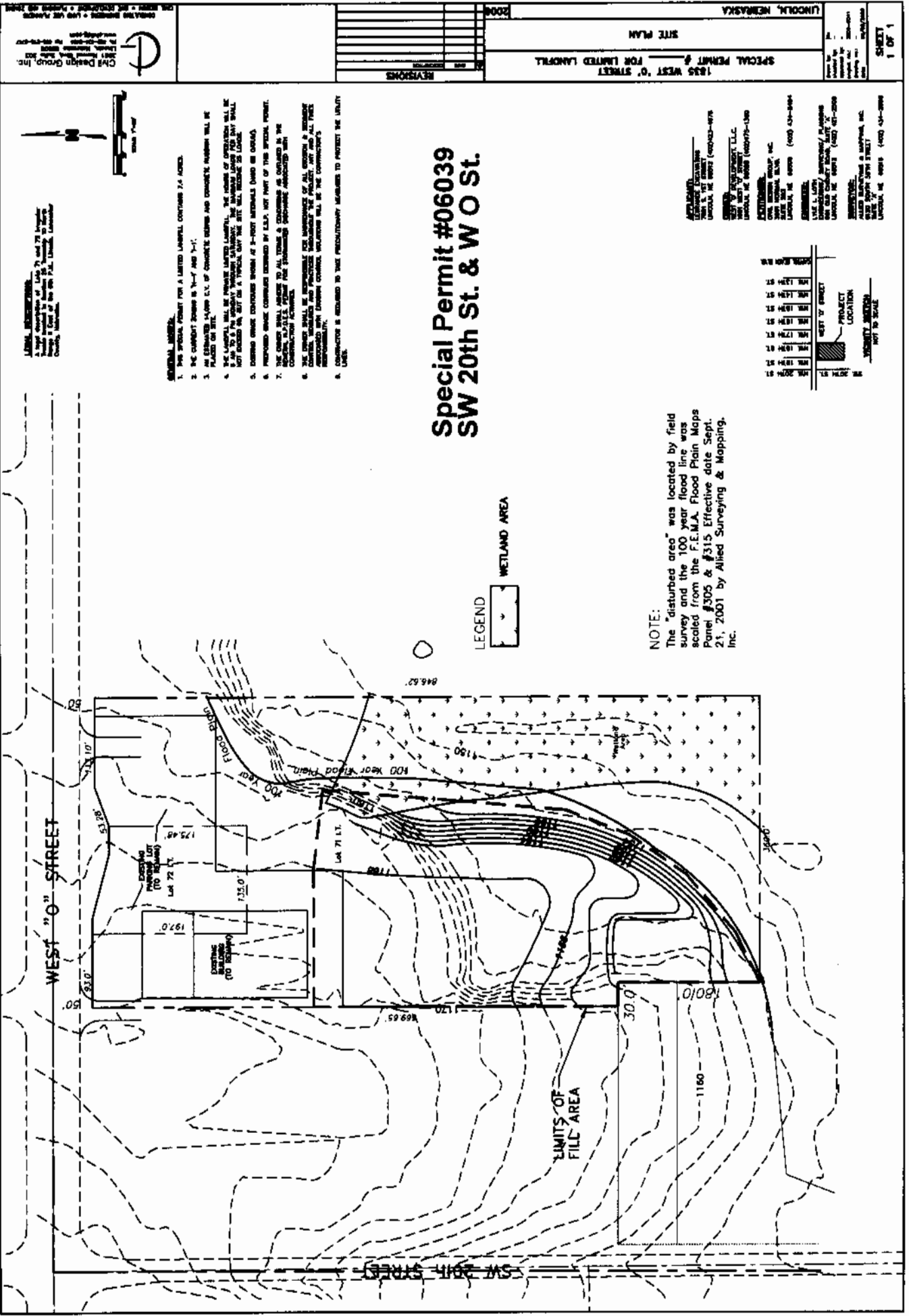
West O Street



West A Street

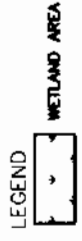


Special Permit #06039
SW 20th St. & W O St.



Special Permit #06039 SW 20th St. & W O St.

NOTE:
The "disturbed area" was located by field survey and the 100 year flood line was scaled from the F.E.M.A. Flood Plain Maps Panel #305 & #315 Effective date Sept. 21, 2001 by Allied Surveying & Mapping, Inc.



NO.	DATE	DESCRIPTION
1	10/20/01	PRELIMINARY
2	11/15/01	REVISION
3	12/10/01	REVISION
4	01/10/02	REVISION
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100	01/10/10	REVISION

ALLIED SURVEYING & MAPPING, INC.
1000 S. 10th Street, Suite 100
Lincoln, NE 68502
Phone: (402) 434-3000
Fax: (402) 434-3001
www.alliedsurveying.com

CHS Design Group, Inc.
1000 S. 10th Street, Suite 100
Lincoln, NE 68502
Phone: (402) 434-3000
Fax: (402) 434-3001
www.chsdesign.com

REVISIONS

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SITE PLAN

SPECIAL PERMIT #06039 FOR LIMITED LANDFILL

1835 WEST O STREET

LINCOLN, NEBRASKA

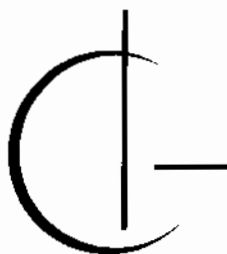
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GENERAL NOTES:

1. THIS SPECIAL PERMIT FOR A LIMITED LANDFILL CONTAINS 7.4 ACRES.
2. THE CURRENT ZONING IS 'H-4' AND 'I-1'.
3. AN ESTIMATED 14,000 C.Y. OF CONCRETE DEBRIS AND CONCRETE RUBBISH WILL BE PLACED ON SITE.
4. THE LANDFILL WILL BE PRIVATE LIMITED LANDFILL. THE HOURS OF OPERATION WILL BE 8 AM TO 6 PM MONDAY THROUGH SATURDAY. THE MAXIMUM LOADS PER DAY SHALL NOT EXCEED 60, BUT ON A TYPICAL DAY THE SITE WILL RECEIVE 25 LOADS.
5. EXISTING GRADE CONTOURS SHOWN AT 2-FOOT INTERVALS (NAVD 88 DATUM).
6. PROPOSED GRADE CONTOURS DESIGNED BY E.S.P. NOT PART OF THIS SPECIAL PERMIT.
7. THE OWNER SHALL ADHERE TO ALL TERMS & CONDITIONS AS OUTLINED IN THE GENERAL N.P.D.E.S. PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES.
8. THE OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL EROSION & SEDIMENT CONTROL MEASURES AND PRACTICES THROUGHOUT THE PROJECT. ANY AND ALL FINES ASSOCIATED WITH EROSION CONTROL VIOLATIONS WILL BE THE CONTRACTOR'S RESPONSIBILITY.
9. CONTRACTOR IS REQUIRED TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES.

**Special Permit #06039
SW 20th St. & W O St.**



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

HAND DELIVERED

Marvin Krout
Director of Planning
County-City Building
555 S. 10th Street
Lincoln, NE 68508

RE: Special Permit Application, Limited Landfill
1835 West "O" Street,
Civil Design Group Project No.: 2005-0041

Dear Mr. Krout:

Enclosed please find the following for the above mention project

1. Zoning Application
2. Application Fee (\$740.00)
3. Site Plan – 20 Copies
4. Certificate of Ownership for the application property
5. Certified copy of names and address of last known owners within 300'

On behalf West "O" Development, LLC, owner, and LeGrande Excavating, applicant, we are requesting a Special Permit 26.63.560 for a Limited Landfill on property located at 1835 West "O" Street to fill a portion of the owners property with fill materials that include construction debris. Filling operations will take place between 8:00 am and 6:00 pm Monday-Saturday. Maximum truck loads per day will not exceed 60 with average daily loads of 25.

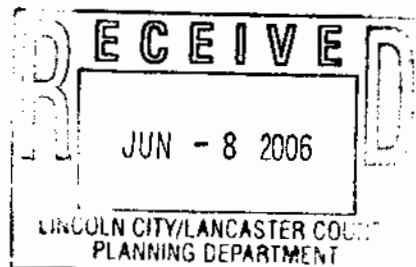
Please contact our firm if you have any questions about this application or if you require additional information.

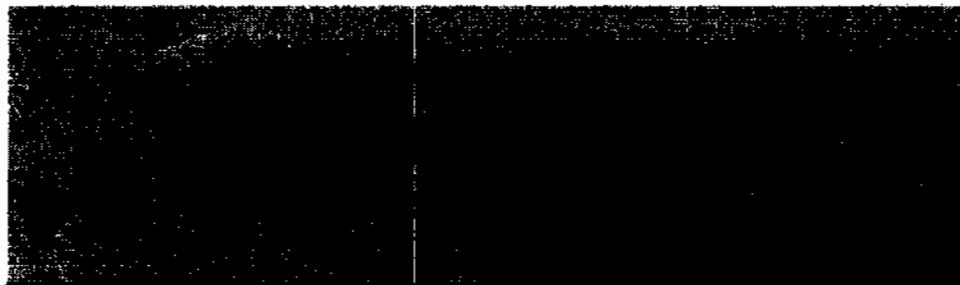
Sincerely,

Mike Eckert

Enclosures

cc: Lyle Loth, ESP
Mark Becher
LeGrande Excavating
File





Status of Review: Approved

Reviewed By Alltel

ANY

Comments:

Status of Review: FYI

06/09/2006 10:22:22 AM

Reviewed By Building & Safety

Terry Kathe

Comments: I have sent a copy of this application to Lana Tolbert for her review of the FP ordinance.

Lana's Comments;

There is an active violation on this property. There has been illegal fill in both the 100 year floodplain and wetlands. The Army Corps of Engineers is also investigating.

No fill or grading is shown or allowed in the 100 year floodplain.

Status of Review: Approved

06/12/2006 5:43:43 PM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved

Status of Review: Approved

06/17/2006 11:45:48 AM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Joe Rexwinkle DATE: June 17, 2006

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: West O Street Limited

EH Administration Landfill SP #06039

The Lincoln-Lancaster County Health Department has reviewed the special permit application with the following noted:

During the limited landfill operation, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Status of Review: Active

Reviewed By Lincoln Electric System

ANY

Comments:

Status of Review: Active

Reviewed By Planning Department

JOE REXWINKLE

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Active

Reviewed By Public Works - Development Services

ANY

Comments:



Edward Zimmer/Notes
06/08/2006 11:43 AM

To Joseph C Rexwinkle/Notes
cc
bcc
Subject SP06039

Joe,

I've reviewed the site plan for "West O St. Limited Landfill" in regard to impacts on significant public vistas to the Capitol tower.

I do not believe that the requested landfill activity would have any adverse impact on any significant view corridor/viewshed to the Capitol tower.

Hence my opinion is that the proposal is not in conflict with the Comprehensive Plan or the LMC 27.56 (Capitol Environs District) in regard to maintaining the dignity, dominance, and public enjoyment of the Capitol.

Please let me know if you have any questions.

Ed